

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6319 of 2022

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M/s Ajmani Infrastructure and Project Pvt. Ltd. a registered firm and Government approved Contractor, through its Authorized Signatory Vikash Kumar, Age about- 41 years, Gender- Male, Son of Late Krishna Kanhaiya Singh, Resident of House No.- 268, Sonapath, Ward No.- 18, Near Satihara Temple, Sonapur, P.S.- Sonapur, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Youth Affair, Art, Culture and Sports, Government of Bihar, Patna.
2. The Principal Secretary, Department of Youth Affairs, Art, Culture of Sports, Government of Bihar, Patna.
3. The Additional Secretary, Department of Youth Affairs, Art, Culture of Sports, Government of Bihar, Patna.
4. The District Magistrate, Vaishali at Hajipur.
5. The District Supply Officer, Vaishali at Hajipur.
6. The District Treasury Deputy Collector, Vaishali.
7. The Additional Collector, Vaishali at Hajipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jagjit Roshan, Advocate
For the Respondent/s	:	Mr.Dhurjati Kr. Prasad (G.P.14)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 20-06-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“(I) Issuance of writ in the nature of mandamus directing the respondents to take the final decision and pay the pending amount of Rs. 24,09,045/- for the work done in the State Level Youth Festival, 2016 along with interest of 6% per annum in light of Judicial Direction given vide

order dt. 23.03.2018 passed in C.W.J.C. No. 15703 of 2017.

(II) Issuance of writ or writs in the nature of Certiorari quashing the Enquiry Report dt. 20.06.2018 submitted/signed on 26.07.2018 which was done behind the back of the petitioner's firm hence it is violation of principal of Natural Justice.

(III) Grant any other relief or reliefs to which the petitioner may found entitled to in the facts and circumstances of this Case.”

We are not inclined to allow the present petition, more so, in view of the disputed nature of claims/counter claims set out by the parties.

Petitioner executed certain works of civil nature in relation to which, he preferred writ petition (C.W.J.C. No. 15703 of 2017, titled as M/s Ajmani Infrastructure and Project Pvt Ltd. Vs. The State of Bihar & Others) which stood disposed of by order dated 23rd of March, 2018 (Page 52) whereby the petitioner was granted liberty to approach the District Magistrate, Vaishali at Hajipur. Pursuant thereto an enquiry was got conducted and the dues which were undisputed in nature were paid to the petitioner and for the dues which are in dispute, an enquiry is in progress.

Be that as it may, we cannot entertain the present petition directing the respondents to pay the amount which is seriously in dispute. There is no categorical admission on record

of the amount, as claimed by the petitioner (Rs. 24,09,045/-), due and payable by the respondents to the petitioner. For a works contract remedy, efficacious in nature, is provided under the agreement, and civil laws of the land.

As such, we dispose of the present petition reserving liberty to the petitioner to take recourse to such remedies as are otherwise available in accordance with law.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	